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January 8, 2025

Re: *Frommer et al v. MoneyLion Technologies Inc.*, 23-cv-6339

Dear Judge Furman:

We write on behalf of MoneyLion in response to Sellers' letter from earlier today (Dkt. 164) regarding trial dates.

MoneyLion and its witnesses are prepared to proceed with the March 31, 2025 trial date ordered by the Court. (*See* ECF No. 149.) We were not informed about Sellers' scheduling issues before they filed their letter, and we have been working for the last several hours to determine whether we can accommodate Sellers' proposal—*i.e.*, fact witnesses to testify from March 31 through April 7 and experts from April 22 through 25. MoneyLion's fact witnesses are available from March 31 through April 7, and MoneyLion has no objection (subject to the Court's approval, of course) to Sellers' proposal that expert witnesses testify during a later window. Unfortunately, however, MoneyLion's accounting expert Mr. Dudney has an arbitration during Sellers' proposed expert window and cannot testify on those days. We are working quickly to determine our experts' availability for alternate dates, which we will discuss with Sellers' counsel as soon as possible, in the hopes of promptly making a joint proposal for the Court's consideration with alternate dates for the expert window.

Respectfully submitted,

/s/ Edward N. Moss

Edward N. Moss

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-2-

The Honorable Jesse M. Furman
United States District Judge
United States District Court for the Southern District of New York
40 Centre Street, Room 2202
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BY ECF

cc: Counsel of Record